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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3193 OF 2022

Anupama Sambhashiva Paladgu Petitioner

Versus

The State of Maharashtra & Ors. Respondents

Mr. Rohan R. Sonawane for the Petitioner.

Mr. S.S. Panchpor, AGP for State.

Mr. G.S. Keluskar for Respondent Nos.2 & 3.

**CORAM : S. V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATE : 9TH JUNE, 2022

PC. :

1. Heard learned counsel for the respective parties.
2. The Petitioner applied for correction of date of birth in the register maintained under the Births & Deaths Registration Act, 1969 (hereinafter referred to as the said Act). The said application appears to have been rejected.
3. The learned counsel for the Petitioner submits that the Petitioner was born in the private hospital. The said hospital does not possess the record of date of birth of the Petitioner. A letter to that effect is issued by Respondent No.4 Hospital. Learned counsel for the Petitioner produced on

record the relevant documents such as school leaving certificate of the Petitioner. According to the learned counsel for the Petitioner, the procedure as prescribed u/s.15 of the said Act and Rules framed thereunder ought to have been considered.

4. Learned counsel for Respondent No.2 submits that the Petitioner has failed to produce on record the record of the hospital. To test the genuineness of the contention of the Petitioner, the record produced is not sufficient.

5. We have considered the submission. Section 15 of the said Act provides for the correction or cancellation of entry in the register of births and deaths. Rule 11 of the Model Registration of Births and Deaths Rules, 1999 prescribes enquiry on the part of the Registrar. The Registrar has to arrive at the conclusion upon subjective satisfaction based on objective assessment of the fact and thereafter take a decision about correction of date of birth in the register. In the present case, only on the ground that the Petitioner has failed to produce the record of the hospital, no further enquiry appears to have been made by the authority. There may be other record pursuant to which the Petitioner can demonstrate error/mistake in recording the date of birth in the register.

6. In the light of that, the impugned order is set aside.

7. The matter is relegated before the authority.
8. The authority shall consider the documents/affidavit and take the decision.
9. The Petitioner is entitled to produce additional documents. No cost.

MADHAV J. JAMDAR, J.

S. V. GANGAPURWALA, J.